

5:20-cv-898-AKK-HNJ

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

Devon MinterInmate Identification Number: 306621(Enter above the full name of the plaintiff  
in this action)

## NOTICE TO FILING PARTY

*It is your responsibility to  
notify the clerk in writing of any  
address change.**Failure to notify the clerk may  
result in dismissal of your case  
without further notice.*

vs.

David B. Progen Sack, Kevin Lindsey  
Jeremy S. Peizer, Joshua J. Beaty  
Brian Ray(Enter above full name(s) of the defendant(s)  
in this action)

## I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?  
Yes ( ) No ( / )

- B. If the answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

## 1. Parties to this previous lawsuit:

Plaintiff: \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if Federal Court, name the district; if State Court, name the county)  
\_\_\_\_\_
3. Docket number \_\_\_\_\_
4. Name of judge to whom case was assigned \_\_\_\_\_  
\_\_\_\_\_
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_  
\_\_\_\_\_
6. Approximate date of filing lawsuit \_\_\_\_\_  
\_\_\_\_\_
7. Approximate date of disposition \_\_\_\_\_

II. Place of present confinement Limestone C.F.

- A. Is there a prisoner grievance procedure in this institution?  
Yes ( ) No ( / )
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ( ) No ( / )
- C. If your answer is YES:
  1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_
  2. What was the result? \_\_\_\_\_  
\_\_\_\_\_
- D. If your answer is NO, explain why not: There is no grievance  
process in Alabama D.O.C. See Written  
Complaint Section number 22  
\_\_\_\_\_  
\_\_\_\_\_

III. Parties.

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s) Devon Minter - AIS 306621  
  
Address 28779 Nick Davis RD  
Harvest, AL 35749

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant (See written Complaint sections  
4-9)  
Is employed as   
at

C. Additional Defendants (See written Complaint  
sections 4-9)

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

(See written Complaint section labeled  
Facts) Numbers 10-21

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

(See written Complaint Section  
Prayer for relief) numbers 25-29

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2020

Devon Minter  
SIGNATURE

ADDRESS Limestone C.F.

28779 Nick Davis Rd

Harvest, AL 35749

AIS # 306621

United States District Court

Northern District of Alabama

Eastern Division

FILED

2020 JUN 25 A 10:52

U.S. DISTRICT COURT  
N.D. OF ALABAMA

Devon Minter

Plaintiff

Complaint

Civil Action No.

v.

Off. David B. Roggensack

Off. Kevin Lindsey

Sgt. Jeremy S. Pelzer

Sgt. Joshua Beatty

Sgt. Brian Ray

Defendants, All in their

individual capacities

## I. Jurisdiction and Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of State Law of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3).
2. The Northern District of Alabama is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

## II. Plaintiff

3. Plaintiff, Devon Minter, is and was at all times mentioned herein a prisoner of the State of Alabama in the custody of the Alabama Department of Corrections. He is currently confined in Limestone Correctional Facility, in Harvest, Alabama.

## III Defendants

4. Defendant, OFC. David Roggensack is a correctional officer of the Alabama Department of Corrections who, at all times mentioned in this complaint, held the rank of C.O.I. and was assigned to Limestone Correctional Facility.
5. Defendant, OFC. Kevin Lindsey is a correctional officer of the Alabama Department of Corrections who, at all times mentioned in this complaint, held the rank of C.O.I. and was assigned to Limestone Correctional Facility.
6. Defendant, Sgt. Jeremy S. Pelzer is a correctional officer of the Alabama Department of Corrections who, at all times mentioned in this complaint, held the rank of Sergeant and was assigned to Limestone Correctional Facility.

7. Defendant, Sgt. Joshua J. Beatty is a correctional officer of the Alabama Department of Corrections who, at all times mentioned in this complaint, held the rank of Sergeant and was assigned to Limestone Correctional Facility.
8. Defendant, Sgt. Brian Ray is a Correctional Officer of the Alabama Department of Corrections who, at all times mentioned in this complaint, held the rank of Sergeant and was assigned to Limestone Correctional Facility.
9. Each defendant is sued in his individual capacity, At all times mentioned in this complaint each defendant acted under the color of state law

#### IV Facts

10. On June 9<sup>th</sup>, 2020 around 5:30 p.m. I Devon Minter was placed in the shower for shower call. After the shower stall was locked I turned with my back facing the shower door so the handcuffs could be removed.
11. Once the handcuffs were removed I asked Ofc Kevin Lindsey for a bar of soap. When Ofc. Lindsey returns with the soap he notices an inmate made weapon. I posed no threat but the weapon was noticed.

12. Ofc. Lindsey then instructs me to give him the weapon. I comply giving Ofc. Lindsey the weapon without incident. Minutes later several officers crowd the housing unit.
13. Ofc. Lindsey, Ofc. D. Roggensack (with mase) and SGT. J. Beaty approach the locked shower stall. They instruct me to "cuff up". I turn my back to the shower stall door and stick my arms out behind me and allow the officers to "cuff me".
14. Once handcuffed and out of the shower, they escort me downstairs, where several officers were downstairs waiting. There were several officers I didn't know but I did recognize SGT. J. Beaty, SGT. B. Ray, SGT. J. Pelzer, CO K. Lindsey and C.O. D. Roggensack.
15. At that time they tell me I have to go to the shift office. I comply.
16. While walking toward the shift off Ofc. D. Roggensack tells me to throw my laundry on the ground. I answer "I just washed it I have nothing else on me." Out of nowhere he slams me to the ground.
17. As soon as I hit the ground other officers start kicking me and roughing me up all while I'm cuffed and shackled around my ankles.



18. Ofc. K. Lindsey and Ofc. D. Roggensack then roll me to my side my knee is swollen, mouth busted and my fractured finger is feeling funny.
19. While they are conducting their "search" nothing else is found. When they pull me up I notice I can barely walk and while being treated the nurse informs me that I need an X-ray because my knee might be fractured. She also informs me that my finger might be re-fractured as well. My finger was originally fractured weeks prior where another officer used excessive force.
20. At the Infirmary I also explained the incident to Warden Scarlett Robinson and Captain Stephen Langford. At that time pictures of my injuries were taken along with a body chart and instructions of ongoing treatment for my injuries.
21. Upon information and belief the Sergeants named often allow officers to physically beat handcuffed prisoners, and Ofc. D. Roggensack, who was once stationed at Guantanamo Bay for the armed forces always attack prisoners whether handcuffed or not using military tactics on American citizens.

## V Exhaustion of Legal Remedies

22. There is currently no grievance system at Limestone Correctional Facility. While Plaintiff, Devon Minter did inform Warden Scarlett Robinson and Captain Stephen Langford of the incident the same day the incident occurred.

## VI Legal Claims

23. Plaintiff reallege and incorporate by reference paragraphs 1-22

24. The excessive force (excessive use of force) violated Plaintiff Devon Minter's rights and constituted cruel and unusual punishment under the eighth amendment to the United States Constitution.

## VII Prayer for Relief

Wherefore, Plaintiff respectfully prays that this court enter judgment granting Plaintiff:

25. Compensatory damages in the amount of \$80,000 against each defendant, jointly and severally.

26. Punitive damages in the amount of \$ 50,000 against each defendant.
27. A Jury trial on all issues triable by jury.
28. Plaintiffs cost in this suit
29. Any additional relief this court deems just, proper and equitable

Dated: June 19<sup>th</sup> 2020

Respectfully submitted

Devon Minter

Devon Minter - 306621

28779 Nick Davis Rd

Harvest, AL 35749

### Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Harvest, Alabama  
on June 19<sup>th</sup> 2020

Devon Minter